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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 3 of General Assembly resolution 51/196 of 17 December 1996, in which the Assembly requested me to submit a report not later than 30 June 1997 on the mandate and further extension of the United Nations International Civilian Mission in Haiti (MICIVIH). Prepared in consultation with the Organization of American States (OAS), the report contains an overview of the human rights situation, assesses the functioning of the police, the judiciary and prisons and outlines the activities of MICIVIH in the areas of human rights observation, institution-building, human rights promotion and civic education.

II. THE POLITICAL CONTEXT

2. Since my report of 2 December 1996 (A/51/703), the political situation has deteriorated. Divisions within the ruling Lavalas movement have deepened, in a context characterized by a stagnating economy, high unemployment rate, rising prices of basic products and widespread popular disillusionment with the Government's inability to address those social and economic ills.

3. Popular organizations have demonstrated against the economic policies of the Government and asked for its resignation. There have been calls for general strikes as well as protest marches, road barricades and street demonstrations, some of which, like the student demonstrations of mid-May, turned violent and disrupted public order, thereby placing greater pressures on police. Threats, inflammatory statements and intimidation were used by some of these organizations to offset their lack of popular appeal, thereby exacerbating the fears of a public already disturbed by the prevalence of armed crime and attacks

on both ordinary citizens and police. In the Parliament, the Government survived a motion of no-confidence in its performance and economic policies.

4. The Lavalas internecine rifts came fully into the open during the run-up to and in the course of the 6 April elections for local government assemblies and one third of the Senate. Boycotted by the main opposition political parties, the elections pitted the major factions of the Lavalas movement, i.e., the Organisation Politique Lavalas (OPL) and the newly established political party of former President Jean-Bertrand Aristide, Lafanmi Lavalas, against each other. The gains made at the end of the first round of elections by Lafanmi Lavalas were bitterly contested by OPL amid gross irregularities, allegations of widespread fraud and criticisms of partisan conduct by the Provisional Electoral Council. Despite conciliation efforts by the international community, the post-electoral crisis has not yet been resolved. On 12 June, the second round of the Senate elections was postponed sine die after the withdrawal of parties protesting the discredited electoral process created a situation where there would have been no competition in the runoffs.

5. Acknowledging that the Government had not been able to fulfil the expectations of the people, denouncing an unethical political game and accusing the Provisional Electoral Council of arrogance, the OPL Prime Minister resigned on 9 June 1997. Taking place in a delicate political and economic conjuncture, his resignation could exacerbate the ongoing crisis and further delay the implementation of urgently required projects and reforms.

6. Public criticism of the international presence voiced by some sectors of Haitian society increased sharply amidst occasional threats against international personnel and property. MICIVIH was nevertheless able to carry out its programme of work without impediment except in a few exceptional circumstances. Overall, the Mission enjoyed good relations with the authorities, who at times publicly supported its work. At the field level, relations were also generally good, although observers had several meetings with police agents and prison guards to correct the emerging misapprehension that the Mission was focusing more on internal discipline issues than institution-building.

III. HUMAN RIGHTS OVERVIEW

7. Despite the sometimes troubled situation, individual rights and fundamental freedoms continued to be widely enjoyed. The increased number of street demonstrations and periodic surges of armed crime as well as attacks on individual police agents severely tested the mettle and abilities of the new and inexperienced police, which achieved some success in curtailing the activities of armed gangs. Matters were not helped by the fractious political cross-currents at play, which led the Parliament to inquire into claims of politicization of the police. In such a context, monitoring respect for human rights remained an important activity of MICIVIH. Investigating allegations of human rights violations by State agents permitted the Mission to evaluate the human rights situation, as well as to intervene on behalf of victims. The information collected was used to make recommendations on institution-building and better focus human rights promotion programmes.

8. Verification shows that the police still have work to do to improve their human rights record. Cases raised by the Mission with the Haitian authorities included more than 20 fatal shootings by police between January and May 1997. About half of those cases were human rights violations, mostly cases of excessive use of force. There were at least three allegations of summary executions and one case of a detainee apparently dying after being severely beaten. In the other cases, there was either insufficient information to draw a conclusion as to whether or not the use of force was excessive or the case appeared to be legitimate defence. The relatively high incidence of fatal shootings suggests yet again the need for much greater control over the use of firearms. In that respect, MICIVIH conveyed to the Senate its concerns over draft legislation for issuing automatic/heavy weapons to special police units with only limited control over their use. Also disturbing is the increasing tendency of local authorities, judges, electoral candidates and some regionally based organizations to carry arms or hire groups of armed security guards.

9. MICIVIH raised with the authorities reports of beatings and other forms of ill-treatment by police, which, although not systematic or routine, increased in 1997 after dropping sharply in the second half of 1996. By the end of May, over 100 individuals had alleged that they had been hit or beaten to some degree. While the deployment of special crowd-control units led to some improvement in the policing of demonstrations, police abuses were reported during several protests, some of which were violent. The increasing distribution of automatic/heavy weapons to police and several operations during which police masked their faces gave cause for concern. In localities lacking a police presence, elected local government officials also appeared to be assuming increasing powers of arrest and detention, and were reportedly responsible for a number of abuses. The treatment of detainees in prisons remained good overall, although there were sporadic reports of beatings by prison guards. Off-duty Administration pénitentiaire nationale guards were accused of being involved in several incidents, including shooting dead an unarmed individual and beating two others.

10. Violations of the right to due process and individual liberty arising from prolonged pre-trial detention and, to a lesser extent, from arbitrary arrests and detention, continued to be the most widespread. The Mission raised a number of cases with the authorities where judges had ruled a detention to be illegal but where State prosecution had failed to execute the decision, thereby restricting the right to habeas corpus. Some individuals accused of plotting against State security and of other charges were released during the period but more than 20 remained in prison. Cases in which irregularities were noted were raised with the authorities once again, in particular those that had a political dimension.

IV. INSTITUTION-BUILDING

A. Haitian National Police

11. The new civilian police force continued to make slow progress. Its operational and administrative structure was further strengthened with the technical assistance of the civilian police element of the United Nations

Support Mission in Haiti (UNSMIH). The installation of supervisory officers in late 1996 within each geographical department led to improvements in discipline and control in some areas, and police authorities have shown a willingness to tackle abuses reported by MICIVIH. The Mission continued to work closely with the Office of the Inspector General, whose investigative capacity improved, thereby strengthening accountability. In the course of two "days of reflection" on the functioning of the Office, several suggestions made by MICIVIH were discussed and agreed to, but have not yet been implemented. In April, the Mission submitted proposals to the Minister of Justice for improving the judicial processing of abuses involving police, including draft terms of reference for a special prosecutor for such abuses.

12. The Mission regularly submitted to the Office of the Inspector General information on cases of serious abuses, most of which were investigated. In some cases of fatal shootings and of police brutality, the Office immediately imposed temporary sanctions pending the outcome of inquiries. During the period under review, 13 police agents and one commissaire were permanently dismissed from the force, bringing the total number of dismissals to 114 since the deployment of the Haitian National Police. The 14 new dismissals included several police agents directly implicated in human rights abuses or covering up of abuses and a commissaire who had failed to investigate four summary executions in June 1996. The Office of the Inspector General passed information on abuses to the State prosecutor but judicial follow-up was inadequate. More than a dozen police agents have been detained in the past year on charges related to human rights violations. However, six police agents accused of participating in summary executions were released by the judicial authorities without explanation in May/June, thereby undermining efforts to improve accountability.

13. Allegations of arbitrary arrest and detention were monitored, including cases of individuals held in police custody beyond the constitutional 48-hour limit. Observers sometimes brought together judicial and police officials to seek more lasting solutions where the problems appeared to be institutional. In collaboration with the UNSMIH civilian police element, the Haitian National Police directorate and the Ministry of Justice, MICIVIH drafted a detention register for the police stations, soon to be distributed throughout the country. In the absence of a specific legal framework on the matter, the preface to the register includes a summary of principles and rules which should govern detention in police custody. The new register, which will facilitate the uniform and systematic recording of information on arrests, was developed after observers noted during their many visits to police stations that it was often impossible to determine who was in detention or the legal status of detainees.

14. MICIVIH continues to contribute to consolidating the Haitian National Police by providing training to the Haitian police officers. Using its field experience and case studies as a central element of its presentations, MICIVIH, since September 1995, has provided 3,500 police agents with human rights training. MICIVIH continued to distribute to all trainees a collection of legal and other texts relevant to police ethics. The Mission also prepared and printed 6,000 copies of a pocket-size edition of the Code de déontologie of the Haitian National Police which were given to the Direction générale for distribution to all police agents.

15. In response to an increase in reports of ill-treatment in some localities, seminars that focused on the rights of detainees, the use of force and legal interrogation techniques were organized jointly by MICIVIH and the UNSMIH civilian police personnel for local judicial police and supervisors. In other places, civilian police, the Haitian National Police and MICIVIH gave day-long training sessions on human rights-related issues to local police. These sessions usually included meetings between the Haitian National Police and the local population to promote greater awareness of the role and work of local police.

16. At the request of police in Cap Haïtien, a series of 6 three-day training seminars was successfully implemented in cooperation with the civilian police, to enhance the skills of local community police in communication, problem-solving and conflict resolution. At the end of the seminars, nine agents were selected to become trainers themselves in the North Department, and are working with MICIVIH and the UNSMIH civilian police officers to develop and run introductory seminars in other police stations in the Department. The training programme has since been adapted for the police in other parts of the country. MICIVIH has also begun preliminary discussions with the International Criminal Investigative Training Assistance Program (ICITAP) to develop conflict resolution courses at the Police Academy and as part of the continuing education programme of the Haitian National Police. In addition, MICIVIH supported the Haitian National Police community relations and civic education teams in several towns. The Haitian National Police team at Jérémie gained national recognition for its work and was called upon to assist in developing a national programme. MICIVIH also organized seminars on peaceful conflict resolution with mixed groups of Haitian National Police, Administration pénitentiaire nationale guards and journalists.

B. Prisons and detention centres

17. Following up on the publication in 1996 of a report on the Haitian National Police and another on the justice system, MICIVIH will shortly publish a third report that will assess the achievements and shortcomings in establishing a new prison system since the return of constitutional Government in 1994. The report will look at the creation and functioning of the Administration pénitentiaire nationale, prison conditions and the legal framework of detention and outline a series of recommendations for improving the running of prisons, the status of Administration pénitentiaire nationale guards and the protection of detainees.

18. Observers regularly visited prisons throughout the country to assess conditions, and the treatment and legal situation of detainees. They collaborated with the United Nations Development Programme (UNDP) on its prison reform project, as well as with other international actors. Prison visits without prior authorization were suspended in late January by the then director of the Administration pénitentiaire nationale. They were resumed shortly afterwards when the Minister of Justice reminded prison authorities that MICIVIH observers should have full access to detention centres in accordance with their mandate.

19. Prison overcrowding, largely a result of delays in judicial processing and increasing caseloads in the courts, led in some places to a deterioration in security and other conditions of detention. Observers worked closely with judicial and penal officials to resolve those problems. They also continued to monitor the maintenance of prison registers.

20. Internal regulations for prison facilities that had been drafted in 1996 were still pending approval by the Ministry of Justice at the time of writing. In June 1997, a presidential decree was issued, dated 24 April 1997, incorporating the Administration pénitentiaire nationale into the Haitian National Police as stipulated in the Constitution. The Haitian National Police/Administration pénitentiaire nationale authorities are discussing the modalities of the integration, which will be governed by the law which created the Police and by internal Police regulations. MICIVIH stressed that the responsibilities of the two institutions must be clearly differentiated. The Mission is also prepared to help the Administration pénitentiaire nationale establish a mechanism for complaints and disciplinary procedures to sanction abuses.

C. Justice system

21. Efforts by the Haitian authorities to put in place a strategy and programme of judicial reform continued. The absence of such a strategy and programme has been a major impediment to institutional development and the full protection of human rights. This has in turn hampered the institutional development of the police and the prisons.

22. MICIVIH has encouraged and supported the reform process from its inception. It has held discussions with officials of the Ministry of Justice as well as with members of the legal profession and civil society. It has made an in-depth assessment of the judicial system and recommendations aimed at its restructuring and modernization. It has assisted the Ministry in drafting interim action plans and it has stimulated public debate.

23. MICIVIH has focused on four issues central to the judicial reform: the creation of structures to design and guide the reform process, the formulation of a reform strategy, the need for confidence-building measures and the harmonization of the pace of development of the three institutions that underpin justice (police, judiciary and prisons).

24. It is hoped that the recent creation of the Judicial and Law Reform Committee with funding from the European Union will lead to the drafting of a judicial reform blueprint. The Committee's mandate is to coordinate the preparation, by the end of the year, of an overall plan for all areas of judicial and law reform. At its core, three lawyers supervise three main areas: criminal (mainly the revision of codes), civil (including social rights and the status of judges) and public security. A working group in which MICIVIH is playing an active role was set up to support the Committee. In June, a committee was created to oversee the work of the Ministry of Justice, an important development given the key role the Ministry will play in drafting programmes and implementing reforms.

25. The Mission continued to stress the need to plan the short, medium and long-term phases of this complex process, bearing in mind the political, technical and social implications of the reform. It also advocated a holistic approach to judicial issues. Indeed, this is why MICIVIH initiated coordination meetings between the police, prisons and the judiciary. More generally, MICIVIH stressed that the functioning of the judicial system, including criminal justice, should be considered as the core element of the public security system. Officials from the Ministry of Justice recently reflected some of those ideas in public statements. Close coordination between the different institutions will also be required for the prevention of crime and the treatment of offenders, issues that need to be addressed in the future. To build confidence in the process, MICIVIH recommended the adoption of concrete measures, which could be institutional (such as criteria for the appointment of judicial personnel), administrative (such as streamlining conditions of service and tenure of judicial officials) and purely legal (such as reform of codes).

26. MICIVIH sought to stimulate public debate on judicial reform through a number of public presentations on different reform strategies, drawing on the experiences of other countries in the region that have undergone similar processes. To that end, MICIVIH facilitated the visit to Haiti of the Minister for Justice of Bolivia in 1996, and participated in the visit of a delegation from the Haitian Ministry of Justice to Argentina in June 1997 to study its justice system.

27. The Mission participated in periodic discussions of the Donors Committee and monthly meetings on justice chaired by the Prime Minister, at which attempts were made to facilitate the coordination of all the actors involved in judicial institutional development.

28. Much of its work on judicial matters focused on the problem of prolonged pre-trial detention. Observers in the field worked closely with judicial and penal authorities to determine the most serious cases of prolonged detention without trial and expedite proceedings.

29. MICIVIH worked closely with the Follow-up Committee, which was set up to monitor the implementation of recommendations made in December 1996 at a symposium on pre-trial detention organized by Haitian non-governmental organizations with international support. The Committee, which includes judges, prosecutors and lawyers, has been meeting regularly since the end of February. It has successfully implemented a number of practical remedial measures, such as mandatory visits to prisons and police detention centres by appropriate officials, sometimes with logistical support from the Mission. The Committee has also encouraged judges to expedite their processing of cases.

30. Prolonged pre-trial detention is a major concern of the Government. As a result, the Commission consultative pour pallier la lenteur de la justice pénale was set up by the President in November 1996, with MICIVIH as a consultant. Its final report, issued in January 1997, included a list of recommendations, some of which have been implemented. The matter was also raised at a meeting, attended by MICIVIH, between an official of the Ministry of Justice, the Port-au-Prince State prosecutor and 20 metropolitan justices of the peace. The Ministry official reminded those present of their obligations, including weekly

visits to detention centres. The State prosecutor also urged the judges to cooperate with MICIVIH in its requests for information, given that the Mission's objective was to assist them in improving that aspect of their work.

31. In February, the Ministry of Justice issued a document containing five circulars drafted with the assistance of MICIVIH and printed with the support of UNSMIH. Drawing on the Constitution, Haitian legal texts and international instruments ratified by Haiti, the circulars summarized principles relating to weapons search procedures, the prosecution of police agents implicated in criminal offences (including human rights violations), arrest warrants and principles governing detention in police custody. Copies of the document, which was intended to help avoid the recurrence of arbitrary and illegal practices, were distributed to all prosecution and court officials and to police throughout the country.

32. In the field, MICIVIH observers continued their judicial monitoring and assistance, an essential contribution to improving the skills of judicial officials and prosecutors. They sometimes acted as intermediaries when differences arose within the judiciary, or between judicial and other officials.

33. Other MICIVIH initiatives on judicial matters related to the ratification of international and regional treaties by Haiti and regarding recognition of the jurisdiction of the Inter-American Court of Human Rights. Interest in those matters has been expressed at the highest levels of Government.

34. The Ministry of Justice took a number of other initiatives, which could in the long term lead to the strengthening of the justice system. Some improvements were noted in the organization of court records, particularly at the public prosecutor's office at Port-au-Prince, where a project funded by the United States of America was implemented to streamline the registry. The pilot case management project continued, with mainly United States technical assistance. The opening of recently constructed court buildings, funded by Canada, significantly improved conditions of work in some places.

35. Training for judicial personnel, key to judicial development, was suspended in September 1996 and is scheduled to resume in September 1997 following the appointment of a director of studies at the École de la Magistrature. Initial emphasis will be placed on a pilot project for training 60 justices of the peace to become judges of first instance. The project will mainly be carried out with the support of France and the United States, but most trainers will be Haitian.

36. In an effort to make legal recourses available to the ordinary citizen, the Ministry of Justice has been working on the development of a legal aid programme. A study was undertaken by a Belgian non-governmental organization, Réseau des Citoyens, and in June a two-day workshop on the subject was held under the auspices of the Ministry, at which MICIVIH gave a presentation. Some Haitian non-governmental organizations continued to provide legal assistance with funding from the United States and France.

37. It is hoped that the swearing-in, after long delays, of the Ombudsman in May 1997 and the allocation of a budget to his office will enable this institution, essential to the protection of human rights, to become operational.

MICIVIH has been assisting the Ombudsman in setting up his office and has recruited a consultant to develop a one-year plan of activities.

38. In order to provide the Ministry of Justice with the expertise needed to tackle some pressing issues, MICIVIH recruited several short-term consultants to examine and make recommendations on the situation of women and minors in prison, juvenile justice and impunity.

D. Impunity, compensation and rehabilitation of victims of past human rights abuses

39. Impunity, compensation and rehabilitation of victims of past human rights abuses remain major issues in Haiti. Although these issues are of continuing concern to the State, they have not been addressed conclusively as yet. The lack of in-depth investigative capacity, considerable delays in the prosecution and punishment of past human rights violations as well as of current infringements of the law continued in the majority of cases. Little progress appears to have been made in the work of the special unit (Brigade criminelle) formed within the Haitian National Police to carry out inquiries into past and current high profile cases. MICIVIH presented a memorandum to the Government proposing ways to resolve the shortcomings of the Unité pénale nationale - a special unit of prosecutors and examining magistrates that should be instrumental in the fight against impunity - after it virtually ceased to function in April. The Mission urged that the recommendations of the National Truth and Justice Committee be incorporated into State plans and actions. However, neither the Follow-up Committee nor the Compensation Committee to help victims of the coup d'état recommended in the report have been set up yet. While such a Committee has been on the agenda of the Judicial and Law Reform Committee, no solid commitments have yet been made in that regard by the Government. The embryonic Fondation 30 Septembre is developing an approach to both compensation and justice in the courts, but it has yet to begin functioning. There has still been no agreement between the Haitian and United States authorities on the return of documents of the Front pour l'avancement et le progrès d'Haïti (FRAPH) and the Armed Forces of Haiti.

40. There has been some progress in the investigation into the Raboteau massacre case. New arrests have been made. In order to facilitate the preparation of scientific aspects of the case, MICIVIH organized a one-week visit to Haiti of two forensic anthropologists. They met with victims and their relatives and, with judicial and government officials, gave training to the Unité pénale nationale in issues related to forensic anthropology, and gave statements as expert witnesses before the investigating judge. A small group of Haitian and international lawyers has been working for the Government on behalf of victims to help prepare the Raboteau massacre case and other past human rights abuses for prosecution.

41. MICIVIH provided extensive support to organizations working for the rehabilitation of victims, particularly Mapviv, an organization that provides social, psychological and medical support to victims, helping them to help themselves. The Mission organized with Mapviv a 10-day seminar to train trainers in the development of small community projects for groups of victims,

as well as days of reflection, attended by victims in three provincial cities. Other non-governmental organizations are now promoting debate on those matters to increase awareness of the need for support for victims. During its visit to Argentina, the Ministry of Justice delegation gathered information on that country's experiences and policies with regard to impunity, compensation and rehabilitation.

V. HUMAN RIGHTS PROMOTION

42. The Mission's human rights promotion seminars and workshops have been well received and in great demand. They play an essential role in strengthening the technical capacity of both the human rights non-governmental organizations and other associations of civil society, as well as contributing to the strengthening of a democratic culture. In 1997, MICIVIH organized or supported throughout Haiti more than 150 civic education and human rights seminars reaching some 6,000 Haitians of many different backgrounds. Most seminars were led by Haitian trainers with logistical and financial support from MICIVIH. A typical one-day seminar covered the Haitian Constitution, the rights and duties of citizens, and the role of different local authorities, including the police, judges, prison guards and elected officials, who themselves regularly participated. Longer four-day training sessions on human rights, women's rights and the rule of law were organized around the country for groups of trainers, police and other officials.

43. MICIVIH and UNDP began preparations for a civic education programme to be launched in July for elected officials and local leaders at the request of President Préval. The programme is aimed at developing a sense of responsibility towards the citizenry, as a foundation of a state of law. The Secretariat of State for Youth, Sports and Civic Service also took steps towards the promotion of a civic culture, with the creation of a civic service and the recruitment and training of 91 young leaders who will undertake community development and civic education work. At the request of the Secretariat, MICIVIH organized four-day training sessions for those trainers on the promotion of civic culture and human and women's rights.

44. Other work with State agents included a civic education seminar at Jérémie, which brought together police, prison guards and prisoners in order to create a greater awareness of the different roles and rights of each group. Judicial officials and lawyers regularly participated in MICIVIH's civic education and media work such as a day-long seminar on the theme of "Justice et Droits de l'Homme" for lawyers and judicial officials in the region of Petit-Goâve.

45. The ground-breaking work of MICIVIH in developing conflict resolution training focused during this period on sessions for police, as noted above. Following the success of the Mission's initial training sessions for judicial authorities in the Artibonite, the École de la Magistrature agreed to develop a contextualized training approach tailored to Haitian reality and an appropriate mediation model for Haiti. In addition, MICIVIH is continuing its cooperation with the Culture of Peace Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and is developing a bilingual (Creole-French) conflict resolution manual. MICIVIH also conducted important

preparatory work with Haitian human rights organizations on an urban violence reduction project, which has been presented to the police authorities for their consideration. The Unit for the Promotion of Democracy of the Organization of American States is collaborating with MICIVIH to develop a training of trainers programme in these areas.

46. In its efforts to strengthen the monitoring capacity of local human rights non-governmental organizations, MICIVIH, in cooperation with the Administration pénitentiaire nationale and UNDP, assisted the major coalition of human rights non-governmental organizations, the Plate-Forme des Organismes Haïtiens de Défense des Droits de l'Homme, in preparations for two 4-day seminars in late June on prison monitoring, an area in which Haitian civil society has traditionally played little role. MICIVIH observers worked closely with some non-governmental organizations to give their monitors training on human rights investigations. MICIVIH has also commenced work with a group of non-governmental organizations to organize a colloquium on juvenile delinquency and rehabilitation, scheduled for September.

47. MICIVIH continued to emphasize women's rights. Community seminars were held with grass-roots organizations in three departments. Three-day seminars for members of the larger women's organizations were planned for June and July. Special events were organized in different parts of the country to mark International Women's Day, including theatre events, round-table discussions and the painting of a mural to be installed on one of the main streets of Gonaïves. A radio spot and a video on women's rights were also prepared and distributed in time for International Women's Day. An illustrated booklet on women's rights was published in collaboration with the Ministry of Women's Affairs and Rights.

48. To mark the tenth anniversary of the Haitian Constitution, approved in a referendum on 29 March 1987, MICIVIH conducted a number of activities. In Port-au-Prince, a major conference on human rights and the Haitian Constitution was organized with UNDP under the auspices of President Préval. Held on 28 and 29 April and chaired by the Ombudsman, the conference brought together international and Haitian constitutional experts, government and judicial officials, political leaders and law students, etc. It was praised as a rare opportunity for personalities of various backgrounds and political leanings to meet and exchange views. It sparked a public debate and much interest in developing other initiatives on the issue. Other events to mark the anniversary had been organized on Constitution Day, 29 March. In Jérémie, for example, the Prime Minister attended a conference organized by observers from the MICIVIH regional office and by the local branch of the Justice and Peace Commission of the Catholic Church.

49. MICIVIH maintained a relatively high media profile. It issued 12 press releases and notices, including an assessment of the human rights situation at the end of President Préval's first year in office in February. MICIVIH directors were regularly interviewed by both Haitian and international journalists, on the human rights situation and Mission activities. MICIVIH expanded its radio programmes on civic education issues, which are now regularly broadcast in several provincial towns. Observers at Jacmel developed their weekly television programme, featuring local authorities as guests. Topics covered by the programmes included elections and prisons (including pre-trial

detention). MICIVIH also prepared a 20-minute radio programme, entitled "Retour au civisme", as a follow-up to two conferences on civic education organized by the Secretariat of State for Youth, Sports and Civic Service with the help of MICIVIH in late 1996.

50. The MICIVIH media unit worked closely with the UNSMIH press office, collaborating in the production and distribution of the UNSMIH television programme, entitled "Espace Bleu", which included items on MICIVIH work with the justice system, the community police pilot project in Cap Haïtien and an interview with President Préval about the role of MICIVIH and UNSMIH in Haiti. MICIVIH also collaborated with the Ministry of Justice in the development of its programme, entitled "Chimen Jistis", broadcast weekly on national television. In March, MICIVIH distributed to television stations around the country a 30-minute video, entitled "Conflits terriens: un espoir de résolution", which it had prepared with financial support from UNESCO, on the use of mediation and conflict resolution techniques in land conflicts. In April, MICIVIH launched its website on the Internet, an important step towards making MICIVIH's documentation available worldwide. It is now preparing several radio and television spots, including two on popular justice.

51. A collection of published reports, civic education fliers, posters and videos produced by MICIVIH, as well as the reports of the Secretary-General on the situation of democracy and human rights in Haiti, were presented to the Bibliothèque Nationale d'Haïti. Multiple copies were given to allow distribution to regional branches. Fifteen thousand copies of the Constitution were printed in French and Creole, and several thousand copies of civic education posters and fliers were reprinted and distributed in the course of the Mission's human rights promotion activities.

VI. ELECTIONS

52. At the end of March, the Provisional Electoral Council formally requested the OAS to monitor the senatorial and local elections on 6 April. OAS and the United Nations agreed that MICIVIH observers would be seconded to the OAS Election Observation Mission. The Provisional Electoral Council also requested MICIVIH support for its civic education campaign in early March. In this context, the Mission contracted provincial radio stations around the country to broadcast two MICIVIH-produced radio spots on the role of local government assemblies. Observers included the topic of local government assemblies in their civic education seminars, and in a number of radio and television programmes. In several departments, they organized seminars with electoral officials.

53. After the first round of elections, the Executive Director of MICIVIH, in his capacity as head of the OAS Election Observation Mission, participated in numerous meetings between members of the international community, the Provisional Electoral Council and political parties to seek a solution to the electoral crisis.

54. Throughout this period, MICIVIH observers investigated or monitored numerous protests and other incidents, some of them violent, which were mainly

related to disputes over the composition of electoral offices and, later, over first round election results.

VII. RELATIONS WITH THE UNITED NATIONS SUPPORT MISSION IN HAITI AND INTERNATIONAL ORGANIZATIONS

55. MICIVIH carried out liaison with UNSMIH on matters of mutual concern. In the field, observers worked with civilian police personnel in training police, in particular in community policing and matters related to police custody and treatment of detainees. UNSMIH continued to provide MICIVIH with both logistical and administrative support.

56. MICIVIH also collaborated with UNDP on the prison reform project, the April seminar on the Haitian Constitution and proposals made by President Préval for a nationwide civic education campaign for local officials through a series of seminars in mid-1997. The Mission maintained regular contacts with the Special Expert on Human Rights for Haiti and collaborated with the representative of the Centre for Human Rights, who is currently on mission to Haiti.

VIII. CONCLUSION

57. The three functions performed by the 64 United Nations and OAS international members of MICIVIH are complementary:

(a) They monitor the human rights situation in an impartial and dispassionate way, not only in Port-au-Prince, which is well covered by the media, but also in remote regions, from which information is slow to reach the central authorities. Familiar with the local language and culture and maintaining close ties with officials and Haitians from all walks of life, they gain a good knowledge and understanding of that situation. By encouraging respect for norms and promoting transparency, they deter abuses and strengthen adherence to higher standards. They also identify common problems such as excessive use of force by police, long pre-trial detention or lack of due process;

(b) They help redress the shortcomings they have observed. They contribute significantly to institution-building through their technical assistance to the Government, with particular regard to the judiciary. They make recommendations to the decision makers, offer them legal advice and assist them in conducting the necessary reforms. They maintain regular contacts with the Ministry of Justice, which utilizes their expertise while taking the local context into full account. Given that there is a need for a complete overhaul of the justice system, the MICIVIH members have contributed to the definition of a strategy for judicial reform. Their technical assistance will become even more important when the recommendations of the Judicial and Law Reform Committee begin to be implemented later in 1997;

(c) They strive to promote democratic values through training in human rights, civic education and conflict resolution. They conduct classes, seminars and conferences, which are highly effective, since they meet a profound

aspiration among Haitians towards a more just society. This aspect of their work is crucial to the establishment of a democratic culture. With the Government and associations of civil society, they promote dialogue, tolerance and mutual respect, thus giving a concrete meaning to the concept of democracy.

58. All activities of MICIVIH in the three areas of its mandate contribute to the establishment of the rule of law in Haiti, a key concern of the Government since the return to constitutional order in October 1994.

59. At a moment when the fragility of the ambient political, social and economic context is placing additional pressures and burdens on the recently laid foundations of the key institutions that underpin the rule of law, the continuing presence of MICIVIH remains essential to the consolidation of democracy. As stated by the Minister for Foreign Affairs of Haiti at the twenty-seventh session of the General Assembly of OAS, MICIVIH should continue to support the Government, particularly with regard to the judicial reform.

60. On 30 November 1996, President Préval requested a one-year extension of the MICIVIH presence until 31 December 1997. OAS responded affirmatively, while the United Nations, for financial reasons, extended the mandate of its component of MICIVIH until 31 July 1997. Following consultations with the General Secretariat of OAS, I therefore recommend to the General Assembly that it authorize a five-month extension of the mandate of the United Nations component of the Mission when its current mandate expires on 31 July 1997, to support effectively the expected judicial reform efforts as well as to contribute to institution-building and the strengthening of democracy, through technical assistance and through its monitoring and human rights and civic education activities. The Mission's institutional development and its human rights promotion and civic education capacities should be reinforced.

61. In concluding the present report, I should like to commend Mr. Colin Granderson, the Executive Director, and the staff of the Mission for the exemplary manner in which they discharge their duties. The positive image they maintain, in a difficult environment, the good relations they enjoy with all sectors of the population and the close cooperation they pursue with the authorities bear testimony to their commitment, dedication and professionalism.

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THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

United Nations Verification Mission in Guatemala

Report of the Secretary-General

1. This report is submitted pursuant to General Assembly resolutions 51/198 A and 51/198 B, of 17 December 1996 and 27 March 1997 respectively, by which the General Assembly decided to renew the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) until 31 March 1997 and then until 31 March 1998 in order to verify compliance with the agreements signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). In the latter resolution, the General Assembly also decided that, in line with its new mandate, the Mission's name would be changed to the United Nations Verification Mission in Guatemala and the acronym "MINUGUA" would be retained, and requested me to keep it fully informed of the implementation of those resolutions.

I. INTRODUCTION

2. By its resolution 51/198 B, the General Assembly authorized MINUGUA, whose mandate until 31 December 1996 had been limited to the verification of compliance with the Comprehensive Agreement on Human Rights (hereinafter referred to as the "Comprehensive Agreement") and to the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples (hereinafter referred to as the "Indigenous Agreement"), to also verify compliance with the measures envisaged during the initial stage of implementation of the Peace Agreements. Those measures correspond to the first phase of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements

(A/51/796-S/1997/114, annex II, hereinafter referred to as the "Timetable Agreement").

3. On 31 January 1997, I informed the President of the General Assembly and the President of the Security Council (A/51/794-S/1997/186) that I had decided to appoint Mr. Jean Arnault as my Special Representative and Head of MINUGUA with effect from 1 March 1997, succeeding Mr. David Stephen. I wish to thank Mr. Stephen for his dedication to the work entrusted to him.

4. The present report describes the results of the Mission's verification of fulfilment of the commitments covered under the first phase of the Timetable Agreement (15 January to 15 April 1997). These commitments refer to the following agreements signed between the parties:

Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I)

Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict (hereinafter referred to as the "Resettlement Agreement") (A/48/954-S/1994/751, annex I)

Agreement on the Establishment of a Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (A/48/954-S/1994/751, annex II)

Agreement on Identity and Rights of Indigenous Peoples (A/49/882-S/1995/256, annex)

Agreement on Social and Economic Aspects and the Agrarian Situation (hereinafter referred to as the "Agreement on Social and Economic Aspects") (A/50/956, annex)

Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society (hereinafter referred to as the "Agreement on the Strengthening of Civilian Power") (A/51/410-S/1996/853, annex)

Agreement on Constitutional Reforms and the Electoral Regime (A/51/776-S/1997/51, annex I)

Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as the "Integration Agreement") (A/51/776-S/1997/51, annex II).

5. The Timetable Agreement did not include general and ongoing commitments, such as the general commitment to human rights and other commitments set forth in the Comprehensive Agreement. In view of their importance, the Mission will continue to report to the General Assembly on the situation of human rights in Guatemala and on compliance with that Agreement, through a semi-annual report. The present report covers only verification of the aspects of the Comprehensive Agreement included in the Timetable Agreement.

6. The Agreement on the Definitive Ceasefire (S/1996/1045, annex) was implemented and verified between 3 March and 2 May 1997. In its resolution 1094 (1997) of 20 January 1997, the Security Council decided that this verification would be carried out by a military observer group which, under its authority, would be attached to MINUGUA. The implementation of that resolution has been the subject of a separate report to the Security Council (S/1997/432).

II. VERIFICATION OF COMPLIANCE WITH THE COMMITMENTS MADE UNDER THE FIRST PHASE OF THE TIMETABLE AGREEMENT

7. In the Peace Agreements, the parties established a comprehensive, long-term agenda for Guatemala's development, which was supported by many sectors of society. That agenda, as indicated in the preamble to the Timetable Agreement, is intended to overcome the root causes of social, political, economic, ethnic and cultural conflict and also the consequences of the armed conflict. Its implementation is a necessarily gradual process for which the Timetable Agreement identifies some basic criteria. These include, inter alia, the need to: rationalize the human and material resources available in each phase; stagger implementation of the fundamental components of the Agreements in order to avoid dissipating governmental and non-governmental efforts; emphasize the establishment of the consultation machinery provided for; establish the necessary institutional, legal or financial basis; and lastly, promote the effective participation of social sectors in meeting their needs and in establishing public policies concerning them.

8. In order to facilitate implementation of the Agreements, the Timetable Agreement provided for the establishment of a Follow-up Commission, which was set up by Governmental Agreement 83-97 of 3 February 1997. The Commission is composed of an equal number of representatives from each of the parties, four citizens from different sectors of society, a representative of the Congress of the Republic and the Head of MINUGUA, who has the right to speak but not to vote. During the reporting period, the Commission reviewed bills drafted by the Government to ensure their consistency with Agreements, used its good offices to overcome difficulties in the work of the commissions established under the Agreements, rescheduled commitments when that was necessary and, on 3 June 1997, submitted a progress report on the peace process. The varied composition of the Commission and the representative mix of Guatemalans serving on it are important factors for promoting broad participation by institutions and citizens in the peace effort.

9. The following paragraphs describe the situation up to the beginning of June 1997. They include a brief description of the work of the commissions and of compliance with the commitments under the first phase of the timetable, including those whose fulfilment extended beyond 15 April 1997 as a result of their rescheduling by the Follow-up Commission or for other reasons.

A. Comprehensive Agreement on Human Rights

10. With the designation of the Peace Secretariat (SEPAZ) as the State agency responsible for the Government's policy of compensation for and/or assistance to

victims of human rights violations, the Government complied with this commitment and with the provisions of article 9 of the National Reconciliation Act (Decree No. 145-96), which provides that such assistance shall be coordinated by SEPAZ. SEPAZ submitted a proposal for a programme of compensation which, in the Mission's opinion, is generally consistent with the provisions of the Comprehensive Agreement. The Presidential Human Rights Commission (COPREDEH) has been given the task of convening non-governmental organizations involved with this issue to discuss the proposal starting on 1 June. The Mission believes that this consultation process, combined with the recommendations to be made by the Clarification Commission, is the best means of responding to the needs of victims within the country's financial possibilities.

B. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict

11. The Government made a commitment to sponsor, in the Congress, the necessary amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict, to solve the documentation problems of uprooted population groups and demobilized URNG members. The bill currently being debated in the Congress was introduced by the Government in November 1996, but did not cover all the envisaged aspects. With the backing of the Follow-up Commission, the Technical Commission for the Resettlement Agreement, assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR) and MINUGUA, drafted amendments that are being studied by the Congressional Committee on Municipal Affairs.

12. On 14 April, through the Ministry of Agriculture, Livestock and Food, the Government submitted to the Mission a report on the availability of land for the resettlement of uprooted population groups. This report incorporates existing studies on the subject by several State agencies, which do not always contain the specific information mentioned in the Agreement. The report should be submitted to the Resettlement Commission as a matter of urgency.

13. As to the parties' commitment to provide the United Nations with data on explosives, mines and minefields and to implement a programme for their removal, the mine clearance programme began on 26 March, with the cooperation of the armed forces and URNG. The military observer group attached to MINUGUA participated in and verified the programme, which concluded on 10 April. The Mission considers the commitment to have been fulfilled, but joins the parties in warning that not all explosive devices used in combat have been located and deactivated. The danger that this poses to the population can be minimized by stepping up the campaign to encourage the population to report the presence of such devices and to notify the agency responsible for their deactivation.

14. The fund to finance projects and programmes for the resettlement of uprooted population groups was established by the United Nations Development Programme (UNDP) on 22 December 1996. To date, the fund has received contributions from Japan and the Netherlands, and offers from the United States of America and Sweden are in the pipeline. The European Union is providing support directly to the programme.

15. On 13 January 1997, following a formal request by the parties, the United Nations Educational, Scientific and Cultural Organization (UNESCO) submitted the preliminary version of an education plan for the uprooted population. The Ministry of Education requested that the plan be revised and this is currently being done, under its coordination, with representatives of the uprooted population, in a special subcommission of the Resettlement Commission.

16. With respect to the commitment to speed up negotiations for the return of uprooted persons, UNHCR indicated that the number of returnees during the reporting period was significantly lower than anticipated. The collective returns scheduled for mid-February did not materialize. The rate of the return process was seriously affected by the procedural requirements for purchasing large farms and by disagreements between the Government and refugee organizations as to how many people the purchased farms could support and the procedures for obtaining credit. The announcement made on 30 April, at the meeting between representatives of UNHCR and of the Governments of Guatemala and Mexico, that arrangements had been made to expedite the operational aspects of the return process, was a positive development. The Government office in Comitán, Chiapas (Mexico), which it was agreed in September 1996 would be opened to facilitate the return process, began operations in early June 1997.

C. Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer

17. The establishment of the Clarification Commission was completed on 22 February with the appointment of the Commission's Guatemalan members, Ms. Otilia Lux de Cotí and Mr. Edgar Alfredo Balsells Tojo. Mr. Christian Tomuschat, the Commission's Coordinator, was appointed by the Secretary-General of the United Nations, in consultation with the parties. The appointment of Ms. Lux de Cotí and Mr. Balsells Tojo was made after extensive consultations with the Universities of Guatemala, as required by the Agreement, and with organizations and prominent members of society. The Commissioners indicated that the Commission could begin its functions on 1 July, once the preparatory administrative and methodological work was complete, staff had been recruited and funds mobilized. This prospect aroused high expectations, and donors and cooperation agencies demonstrated a willingness to cooperate in its establishment. The Mission will continue to support the Commissioners, while fully respecting their independence.

D. Agreement on Identity and Rights of Indigenous Peoples

18. Participation is the key to the reforms envisaged in this Agreement, and it was agreed to establish various commissions for this purpose. Since the signing of the Indigenous Agreement in 1995, the Coordinating Office of Organizations of the Maya People of Guatemala and other indigenous organizations have made considerable efforts to involve the largest possible number of organizations and individuals in implementing the Agreement and, in particular, in participating in the commissions. The collective participation of its beneficiaries is one of the best guarantees of compliance with the Agreement. It is also a direct

contribution to the struggle against marginalization and discrimination that is one of the priorities of the Indigenous Agreement.

19. The Commission for the Official Recognition of Indigenous Languages was established by Governmental Agreement 308-97 of 10 April and officially installed on 21 April. Because of different interpretations as to the composition of its membership, the Commission requested the intervention of the Follow-up Commission, which is currently reviewing the matter.

20. The Commission on Holy Places was established by Governmental Agreement 261-97 of 20 March and officially installed on 2 April. It recently adopted its rules of procedure. The Commission began its substantive activities by studying Decree No. 26-97 of 9 April, which establishes a new Act for the Protection of the Nation's Cultural Heritage, and agreed to request its revision in line with the results of the Commission's deliberations.

21. Governmental Agreement 262-97 of 20 March established the Joint Commission on Education Reform, which was installed on 2 April. The Follow-up Commission used its good offices to facilitate the Commission's installation, and it is now meeting on a regular basis and has adopted its rules of procedure.

22. The Government's commitment to the historic effort to bring the State closer to indigenous peoples, as evinced by such initiatives as the inclusion of indigenous representatives on each of its delegations to the commissions and by the public support expressed by the President of the Republic at their official installation, is particularly noteworthy.

23. In recent months, a number of legislative proposals that concern indigenous peoples have been submitted to the Congress of the Republic, including a bill on the treatment of ethnic discrimination as a crime, a definition of sexual harassment and amendments to the Code of Penal Procedure concerning certain aspects of customary law. These initiatives are praiseworthy, in that they reflect the interest being shown by political parties in the question of indigenous peoples. At the same time, however, this situation could mean that the efforts made by the Congress and by the commissions set up under the Agreements might undermine each other. This problem could be avoided by harmonizing those efforts to bring the role of the commissions, as the core of the partnership between indigenous peoples and the Government, into line with the work of the Congress as legislator and forum for public debate on fundamental national issues.

E. Agreement on Social and Economic Aspects and the Agrarian Situation

24. On 9 April, the Government, through the Ministry of Labour and Social Welfare, submitted a report on the legislative reforms carried out in 1996 to enforce labour laws. The legal changes include: ratification of International Labour Organization Convention No. 169, approval of the regulations for the recognition of legal personality, approval of trade union statutes and membership, and the creation of eight labour and social welfare courts of first instance. With regard to the legal and regulatory changes proposed for 1997

onwards, the report notes that amendments to the procedural norms of the Labour Code will be emphasized. In order to fulfil the commitment to severely penalize violations of labour laws, the Ministry's enforcement capacity through its labour inspection services, must be strengthened, and the legislative agenda of the second phase of the timetable should include the legal or regulatory reforms required for this purpose.

25. The Government submitted the National Civic Education Programme for Democracy and Peace, intended for schoolchildren, which will be implemented primarily by the Ministry of Education and incorporates the commitments made under the Agreement. It is hoped that other institutions, such as non-governmental organizations, universities and representatives of local authorities, will become involved in this programme.

26. On 10 April 1997, the Ministry of Finance submitted its report on the fiscal policy commitments contained in the Agreements. The report emphasizes that government fiscal policy is geared to meeting the target of increasing the tax burden by 50 per cent so that it reaches 12 per cent of the gross domestic product (GDP) by the year 2000, as stipulated in the Peace Agreements. This means overcoming the barrier that has kept the average tax burden in the past 36 years at below 8 per cent of GDP, one of the lowest levels in Latin America. The report says that a change of this magnitude requires a package of measures that combine: (a) the strengthening of tax administration; (b) the expansion of the tax base and the revision of the principal taxes; and (c) the creation of a team that is committed to reform, supported at the highest political level and backed by a solid social consensus. The report underlines that the absence of any one of these prerequisites would make it very difficult successfully to carry out and maintain a reform of the tax system.

27. Some of the measures being promoted by the Ministry of Finance are: amendments to the laws governing value-added tax and income tax in order to exclude a number of exemptions, thereby expanding the tax base; reform of the Penal Code to strengthen the State's enforcement capacity, and of the tax laws to define fiscal offences; and the creation of a unit to audit certain taxpayers. In March, the Government submitted a bill on the establishment of a Tax Administration Superintendency, fulfilling the commitment to strengthen institutional mechanisms for tax collection and auditing. Taken together, the measures adopted thus far strengthen the administrative, legal and judicial framework for tax collection. It is hoped that in the next few months these initiatives will lead to more efficient enforcement of the law and an increase in public confidence in the tax system.

28. At the same time, as noted in the report by the Ministry of Finance, the strengthening of tax administration will only produce gradual, medium-term effects. The expiration of the solidarity tax in 1998 presents the Government with the challenge of taking new steps to meet the target of increasing the tax burden in 1997 and 1998. As noted earlier, the mobilization of domestic resources to implement the Peace Agreements, in particular to deal with the social debt and to strengthen institutions such as the administration of justice and public security, is the cornerstone of the sustainability of the changes envisaged in the Agreements. It is also a key element in the irreversibility of the peace process and in the social and political stability of the country.

29. In the past, attempts to increase the tax burden were repeatedly frustrated by powerful economic interests. The Agreement on Social and Economic Aspects set a collection target, still considerably below the average for Latin America, which if met, would enable the transition to a modern, functional State to be made. After it was signed on 6 May 1996, the Agreement was endorsed by broad segments of society, including the organized private sector and various grass-roots organizations. The next few months should make it possible to put into practice the fiscal policy contained in that Agreement. Its inclusion on the agenda of the "open forums" referred to in paragraph 38 below offers an opportunity for consensus-building on ways of implementing it.

30. As to the commitment to promote the convening of a women's forum, the Timetable Agreement's failure to stipulate convening procedures caused controversies that have delayed its implementation. The Mission noted that the "Expresiones de Mujeres" movement and the National Office of Women's Affairs have held preparatory meetings to make the forum as representative as possible. The Government received requests to participate from various organizations and individuals. Through the good offices of the Follow-up Commission, a Coordinating Commission for the Women's Forum was established on 21 May to decide on the agenda and organization of this important forum.

31. With regard to the commitment to expand participation in the National Agricultural Development Council (CONADEA), a number of different sectors have been included. In April, CONADEA approved the admission of two important national coordinating committees of peasant organizations, conditional upon their membership in the corresponding bilateral institutional committee and the issuance by CONADEA of regulations governing the administrative procedure for admitting new members. The verification process showed that the functions and terms of reference of the Council are not sufficiently well known. There is a need for more publicity and for prompt issuance of the regulations governing the admission procedure.

32. As to the commitment to launch the land surveying process, the Government reported on the steps which it had taken to establish and adapt political and institutional coordination mechanisms and to modernize the land registry system. Although a number of preparatory activities have been carried out, land surveying in pilot areas has not yet begun.

33. The Government has done the preparatory work to establish a Presidential Office for Legal Assistance and Dispute Settlement in Land Matters, including a survey of the various types of disputes that exist and the appointment of members of the Board of Directors. This Board, which includes representatives of the relevant sectors, including Guatemala's agricultural sector, is preparing the budget and outlining the structure of the Office. Given the importance of the land question and the impact of land tenure disputes on the life of the rural population, there is an urgent need for the Office to start its activities with resources commensurate with its importance for the peace process.

34. In addition, by means of Governmental Agreement 307-97, the Government established a body to coordinate government policies for compliance with the commitments relating to land. Coordinated by the Minister of Agriculture, it consists of the Minister of Finance, SEPAZ, the Presidential Office for Legal

Assistance and Dispute Settlement, the land registry, the Land Trust Fund, the rural investment programme and the national geographical information system.

35. On 16 April, the Government submitted a rural development public investment programme for a total of 737.9 million quetzales for 1997, which is more than was provided for in the Agreement. Within overall public investment, this programme reflects the priority accorded to rural investment, particularly by social funds and by the Ministry of Communications and Public Works. The plans for privatizing the telephone company (GUATEL) and restructuring the National Electrification Institute (INDE), two companies that have traditionally been involved in the implementation of public investment projects in rural areas, pose the challenge of ensuring the continuity of this policy of priority investment in electricity and telecommunications in rural areas.

36. Since the Peace Agreements were signed, a number of measures implemented by the Government in the socio-economic sphere have been questioned, on the grounds that they do not meet the commitments made. The issue of privatization has attracted particular attention. URNG publicly expressed concern at economic and social measures, the sale of State assets and the approval of legal provisions which might contradict the provisions of the Agreements.

37. Given that the specific issue of privatization is not part of the Peace Agreements, one cannot, strictly speaking, talk of compliance or non-compliance in this regard. More broadly speaking, however, whether or not the sale of public assets is consistent with the Agreements can be looked at in terms of the fulfilment of specific commitments, according to the general principle that economic policy must seek to prevent processes of economic exclusion and to optimize the benefits of economic growth for all Guatemalans. These specific commitments include, in particular, the commitments:

(a) To adopt economic policies designed to achieve steady growth in GDP of not less than 6 per cent per annum; this involves overhauling the system of production in order to achieve greater efficiency;

(b) To develop a regulatory framework for the provision of social services, through public, semi-public or private entities, that will guarantee the exercise of social rights; this involves expanding coverage on terms accessible to the population;

(c) To create conditions that will make it possible to attain rising and sustained levels of employment; this underscores the aim of absorbing manpower;

(d) To promote the restructuring of labour relations in enterprises by encouraging labour/management cooperation and consultation with a view to the development of the enterprise for the common good.

38. Given the complexity of these aspects and the political sensitivity of anything related to public assets, there will inevitably be disagreements and public debate. The presidential initiative of convening "open forums", in which the Government, political parties and representatives of civil society will participate, to discuss urgent issues of national life, and the decision by the members of these forums to include the topic of privatization on their agenda,

is therefore a positive development and fully consistent with the implementation strategy of the Timetable Agreement, which emphasizes effective participation of social sectors in establishing public policies concerning them.

39. It is cause for satisfaction that several of the commitments corresponding to the Agreement on Social and Economic Aspects which were scheduled for the second phase of the timetable are already being implemented, inter alia, those relating to the establishment of the Land Trust Fund, the broad-based banking institution for rural credit and its land trust, the implementation of measures to reduce the cost of medicines and the incorporation of the priorities of the Peace Agreements into the guidelines for the preparation of the preliminary draft national budget.

F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

40. With regard to the commitment to request the President of the Congress to set up a multi-party agency to enhance, modernize and reinforce the legislative branch, the Congress decided that the existing Technical Support Committee should take up the agenda provided for in the Agreement. The composition of that Committee is consistent with what was agreed upon and it is felt that, by taking this decision, the legislative branch has indeed endorsed the concern to strengthen its functioning which was set forth in the Peace Agreements.

41. The Commission on the Strengthening of the Justice System was established on 7 March, by means of Governmental Agreement 221-97. It is made up of four judges, one official from the Public Prosecutor's Office, the Director of the National Police, the deans of the law faculties of San Carlos and Rafael Landivar Universities, a former president of the Bar Association, a legal adviser from the business sector, an indigenous lawyer and a prominent leader of a non-governmental human rights organization. In accordance with the Agreement, the Commission has decided to promote an extensive debate on the justice system. To that end, it is conducting extensive hearings with representatives of various social sectors, both in the capital and in the interior of the country.

42. The composition of the Commission on the Strengthening of the Justice System is representative and consistent with the provisions of the Agreement, which emphasizes that national priority must be given to reforming the administration of justice and that State organs must work together on that task. Nevertheless, there is an imbalance in the representation of State institutions of the justice sector for, whereas the Public Prosecutor's Office has only one representative, the judiciary is represented by four judges. Moreover, the Public Defender's Office is not represented.

43. The creation and deployment of a new National Civil Police (PNC) is one of the most important and ambitious commitments made by the Government under the Peace Agreements, especially in view of the crime wave sweeping the country. In this context the Congress adopted the PNC Act on 4 February. Important aspects provided for in the Agreement - inter alia, those relating to police training - were not covered in the Act. The Minister of the Interior sent the Act, and the draft regulations that were being prepared, to the Follow-up Commission at the

latter's request, so that it might examine their consistency with the Peace Agreements and make the corresponding recommendations. The Minister of the Interior held a number of meetings with the Follow-up Commission on the legislation governing the PNC.

44. With regard to the proposed regulations governing training at the Police Academy, it is necessary to clarify the role that the Academy plays in the selection, training and evaluation of future police personnel to guarantee the objectivity and impartiality of the procedures for admission to the PNC.

45. With regard to the disciplinary regime, in the Mission's view the regulations provide an appropriate legal framework for guaranteeing internal discipline and fulfilment of the professional duties of the police, particularly those relating to the observance of human rights. Similarly, the regime of penalties guarantees future staff due administrative process. The PNC Act and regulations are being considered by a technical body set up by the Follow-up Commission and comprising representatives of the Government, URNG and MINUGUA.

46. As to the operation of the Academy, it is important that mechanisms for admission to retraining courses and the academic content of such courses should be compatible with the Agreements. The concern that police personnel involved in human rights violations were being admitted to the courses was conveyed to the Government, which undertook to apply the appropriate corrective measures. The Government was also informed that members of the Mobile Military Police had been assigned briefly to the Treasury Guard for the sole purpose of transferring them subsequently to the Academy as members of the Guard. In order to strengthen public confidence in the PNC and ensure its effectiveness, it is important that the commitment to purify and professionalize the security forces be fulfilled.

47. With regard to the commitment to demobilize the Voluntary Civil Defence Committees (CVDCs), the Congress repealed the decree creating these Committees on 28 November 1996. The commitment entered into force, as planned, on the day that the Agreement on a Firm and Lasting Peace was signed.

48. Former CVDC members were indeed demobilized, those with their weapons belonging to the armed forces were collected and, generally speaking, former CVDC members no longer have any organic relationship with the armed forces. It has not been possible to compare the information provided by the Government on the individuals demobilized and the register of weapons handed in because there are no lists of CVDC members or of the weapons issued to them. There have been isolated cases where former CVDC members, claiming to be protected by their relationship with members of the armed forces, have continued to put undue pressure on civilian authorities or on the population. The Minister of Defence has stated that he is prepared to cooperate in dealing with these cases.

49. With regard to the commitments included in the second phase of the timetable, the Working Group on the Civic Service Act decided to present its preliminary bill in August 1997.

G. Agreement on Constitutional Reforms and the Electoral Regime

50. This Agreement includes the constitutional amendments agreed to in the package of Peace Agreements and relating to the identity and rights of indigenous peoples, the Congress of the Republic, the judiciary, the National Civil Police, the armed forces and the functions of the President of the Republic. In order to analyse this commitment in greater depth, the Follow-up Commission rescheduled its fulfilment for 15 May. Within this new deadline, the Commission gave its opinion on the text of the Government's reform proposal and made recommendations aimed at ensuring its compatibility with the Agreement.

51. The executive branch presented the draft constitutional amendments to the Congress on 15 May. The commitments in this regard have thus, in general terms, been fulfilled. The inclusion of the question of constitutional reforms on the agenda of the "open forums" will make it possible to hold an initial national debate on these amendments prior to their consideration by the Congress.

52. By Governmental Agreement 16-97, the Supreme Electoral Tribunal established the Electoral Reform Commission, composed of judges, former members of the Tribunal and one representative and one alternate for each of the seven political parties represented in Congress. The Commission adopted an open-ended agenda of 15 items related to matters dealt with in the Agreement, and invited interested organizations and individuals to submit proposals or request hearings by 15 May. By that date, the Commission had received 22 proposals. In addition, it began consideration of those items of its agenda which have constitutional implications. The Mission is monitoring the Commission's work and is prepared to provide technical assistance if the Commission so requires.

H. Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca

53. The Special Integration Commission was set up on 28 January by means of Governmental Agreement 82-97 and, as stipulated in the Integration Agreement, is responsible for coordination, financial management and decision-making with respect to programmes and projects arising out of the Agreement. The Commission is composed of representatives of the Government and URNG, with representatives from the European Union, the Organization of American States (OAS), the United States Agency for International Development (USAID) and UNDP participating as observers. The Commission is overseeing the implementation of an emergency plan which covers the period up to 3 August and meets the needs of demobilized combatants in the areas of education, vocational guidance and training and other areas provided for in the Integration Agreement.

54. URNG complied with the commitment to transmit to the verification authority a list of members subject to the demobilization process and a list of members not subject to demobilization, whether resident in Guatemala or elsewhere.

55. The Government provided security for URNG members, when requested. Some isolated incidents have occurred which, while not serious, highlight the importance of the Government's commitment with regard to the safety of URNG

members. As required by the Agreement, the Mission will continue to pay particular attention to this matter.

56. With respect to temporary documentation for URNG members, the parties requested the military observer group attached to MINUGUA to assume this task. It was completed in respect of URNG members subject to demobilization; for those not subject to demobilization, it is being done by MINUGUA's regional offices.

57. URNG carried out an assessment of vocational guidance and training needs in the camps for demobilized combatants; with the support of OAS and the International Organization for Migration (IOM), vocational guidance was provided. In addition, with the help of Médicos del Mundo (Spain), Médecins sans frontières (France), the Pan-American Health Organization (PAHO) and the World Health Organization (WHO), a plan was drawn up which includes epidemiological monitoring, basic sanitation and medical care.

58. With respect to the commitment to facilitate the reunification of URNG members with their families, the Spanish Committee of the Red Cross has, at the request of the parties, completed the preliminary work of gathering the information required to locate the families of former combatants. The programme to provide legal assistance to URNG members has yet to be launched.

59. The Government, through the Ministry of the Interior, expedited legal procedures to establish the Guillermo Toriello URNG Integration Foundation, which was authorized on 3 June by means of Governmental Agreement 182-97.

60. The demobilization and subsequent return of former combatants to their communities of origin took place without major incidents, with the exception of the events which occurred at the Ixcán Grande cooperative in the northern part of the country. Several cooperative members, in their capacity as URNG combatants subject to demobilization, went to the demobilization camp at Mayalán. The cooperative's authorities felt that it was unfair for members of the cooperative, who had been beneficiaries of the 8 October 1992 Agreement between the Government and the Permanent Commissions of Guatemalan Refugees in Mexico, to also benefit from the Integration Agreement. A group of cooperative members objected to the return of the demobilized combatants to the cooperative.

61. Despite the good offices of a number of bodies, including the Follow-up Commission, the cooperative's general assembly decided to expel the former combatants. This situation gave rise to serious incidents: among other things, members of the cooperative refused to allow several UNHCR, MINUGUA and IOM international staff members to leave.

62. The Mission fully shares the view of the Follow-up Commission that a solution to this complex situation must be found which adheres strictly to the Constitution, the law and the Peace Agreements and contributes to national reconciliation and the strengthening of the rule of law. At the urging of the Special Integration Commission, a dialogue will be initiated among the parties involved in this matter.

I. Other commitments

63. With regard to the commitment to publicize the Peace Agreements as widely as possible, the Government reported that it had distributed 20,000 copies of the Agreements. It is important to expand these information and publicity activities, in which the Government and other sectors of society must join forces. MINUGUA regional offices have found that the population remains largely ignorant of the content of the Peace Agreements, a situation that fosters misunderstandings or unrealistic expectations and reduces the possibilities of involving the population in their implementation and of securing its effective support. It is also important to emphasize the need for all employees of State institutions, who have a decisive role to play in the implementation of the Peace Agreements, to be fully informed of their content.

64. For its part, the Mission has continued its efforts to publicize and explain the Peace Agreements. Since January, it has given talks attended by over 12,000 participants and has provided training to over 10,000 people, mainly members of grass-roots organizations, teachers and members of the security forces. In addition, the Mission developed and broadcast radio programmes which emphasized the importance of the peace process and of compliance with the commitments made. Lastly, it provided the press with ample news coverage of the URNG demobilization and disarmament process at the various assembly points.

III. INTERNATIONAL COOPERATION

65. Once the Peace Agreements came into force on 29 December 1996, the role of international cooperation in the Guatemalan peace process became even more important. The Agreements are based on the principle that the sustainability of the envisaged changes is contingent primarily on a national effort and, particularly, on the mobilization of domestic financial resources. However, it is recognized that international cooperation can play a decisive role until the reforms needed to improve the way in which national resources are raised and allocated begin to bear fruit. On this understanding, the international community has responded very favourably to the challenges of peace-building. This is attributable, among other things, to the fact that the Agreements are more than just a military settlement between parties and cover an agenda that is backed by significant social sectors. This agenda is aimed at overcoming the structural backwardness that has impeded the country's development and limited its possibilities of cooperating with the rest of the international community.

66. On 20 and 21 January 1997 in Brussels, in the context of the Consultative Group for Guatemala organized by the Inter-American Development Bank with European Union sponsorship, the Government presented a list of the projects to be executed as part of the implementation of the Peace Agreements. The international community pledged to cover the programme's requirements in an amount of US$ 1.9 billion up to the year 2000. A number of donors began their contributions: Germany, Japan, Norway, Sweden, the United States and the European Union contributed directly to project execution, and funds pledged by Canada, Denmark, France, Germany, Italy, Japan, the Netherlands, Spain and the European Union are in the pipeline. A number of donors are waiting to see what measures the Government takes to increase tax collection before they make their contributions. The next meeting of the Consultative Group, scheduled for early September in Guatemala, will afford an opportunity to jointly review the

implementation process and to reaffirm the international community's support for the basic objectives of the Peace Agreements.

67. International cooperation has also made a qualitative effort to coordinate the inputs of multilateral cooperation agencies and bilateral donors in order properly to respond to the demands of the peace process, in close cooperation with the Government. The United Nations system, with the active involvement of the Resident Coordinator, has made a particular effort to ensure that all the system's activities are prioritized and organized on the basis of the Timetable Agreement. One example of international cooperation among the Government, donors, cooperation agencies and non-governmental organizations has been the support given to the demobilization of URNG combatants (see S/1997/432). A similar coordination effort is being made through the Working Group on Justice and the Working Group on Security, with the participation of donors and cooperation agencies, the Government and the United Nations.

68. With the generous support of the international community and in the context of the cooperation described above, MINUGUA is pursuing institution-building activities, with particular emphasis on the justice system, public security, the promotion of a multicultural, multilingual and multi-ethnic State and education in and the promotion and dissemination of the Peace Agreements and a culture of respect for human rights. Contributions this year from the Governments of Sweden, Switzerland and the United States have totalled nearly US$ 3.5 million. Offers totalling over US$ 6 million from the Governments of Belgium, Denmark, the Netherlands, Norway and the United States are also in the pipeline.

IV. PRESENT SITUATION AND FUTURE PROSPECTS

69. The first phase of the Timetable Agreement emphasized the definitive ceasefire process, including the demobilization of URNG members, and preparations for the substantive changes envisaged in the peace agenda. The Agreement on the Definitive Ceasefire was implemented and the deadlines and procedures established therein were strictly observed, confirming the willingness of the Government and URNG to put a definitive end to the armed conflict, as evidenced throughout 1996 in the peace negotiations and in the informal ceasefire which went into effect on 19 March 1996. The ceasefire process demonstrated the spirit of responsibility shown by former URNG combatants in confronting the challenges of their legal integration.

70. The preparations in question included the effort made by the Government, through the Political Council for Peace, to ensure that its actions are coherent, to coordinate its institutions and to prioritize its activities in terms of compliance with the Agreements. It also made a commendable effort to coordinate international cooperation.

71. The participation bodies created during this initial phase (Joint Commission on Education Reform, Commission for the Official Recognition of Indigenous Languages, Commission on Holy Places, Multiparty Legislative Forum, Commission on the Strengthening of the Justice System, Electoral Reform Commission, Special Integration Commission, Women's Forum) have been set up, with the exception of the Coordinating Commission for the Women's Forum, on

schedule and without problems. The functioning of these bodies reflects the strength of Guatemalan society's desire for change and participation. From the holding of the National Dialogue in 1989 to the work of the Assembly of Civil Society from 1994 to 1996, via the consultations held under the Oslo Agreement of March 1990, this desire for participatory change has been one of the hallmarks of Guatemala's democratization process. The peace negotiations were both a product and a catalyst of these aspirations. In addition to the participation bodies set up pursuant to the Agreements, the consultations on the compensation programme for victims of human rights violations and the initiative of convening "open forums" confirm that the preamble to the Timetable Agreement was right to emphasize the importance of consensus in building peace.

72. Despite these initiatives, there is a perception in some sectors that the Peace Agreements and their implementation are a process whose benefits, particularly political benefits, will be felt only by the Government and URNG. Another concern is that unless the implementation of the Agreements has a tangible impact on the daily lives of the most needy sectors of the population, it could cause disillusionment and arouse scepticism. To confront these difficulties, it is important to:

(a) Promote a better understanding of the prospects offered by the Agreements and fuller information about the implementation process;

(b) Pay particular attention to the impact of compliance in rural areas and among traditionally neglected rural communities, where the social debt is most pressing and where it is essential that the hopes raised by the signing of the Peace Agreements should not be disappointed;

(c) Ensure that the implementation of the Agreements continues to create opportunities for broad sectors of the population to take on definite responsibilities for managing their affairs and for the peace process as a whole. The commitments envisaged in the second phase of the timetable, from 15 April to 31 December 1997, offer numerous possibilities for reinforcing the sense of individual and collective responsibility vis-à-vis the challenges confronting Guatemalan society. As the report of the Follow-up Commission indicates, the process of implementing the Agreements is, in itself, a necessary process of civic education and participation.

73. Since the beginning of the peace process, Guatemala's political parties have contributed at various times to its strengthening and successful conclusion. Now they have a special responsibility to fulfil in the public discussion and adoption of the legislative agenda for peace, particularly the constitutional amendments. The next phase of the timetable provides for the adoption of a number of important laws in the labour, administrative, legal and security spheres. This offers an opportunity to give effect to resolution 1-97, which the Congress adopted on 15 January 1997 and in which it resolved to express its total and unrestricted commitment to complying with the legislative agenda of the peace process. To that end and notwithstanding the differences between the parties' platforms, it is important to foster a climate of cooperation with regard to the implementation of the Agreements, as a contribution to the process of consolidating peace.

74. In its most recent pastoral letter, the Guatemalan Conference of Bishops urges all Guatemalans to strive to ensure that the Agreements reached become a reality for everyone and to avoid taking either a pessimistic or an unduly optimistic view, and appeals to them to face up to the challenges of peace-building with courage and determination. The United Nations endorses this appeal and calls on the international community to continue contributing its efforts to this endeavour.

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SECURITY COUNCIL
Fifty-second year

Letter dated 30 June 1997 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to new violations of the airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, recorded on 27 June 1997.

On that day, from 0740 to 1315 hours, 15 Turkish military planes violated the Nicosia flight information region and five of them violated the national airspace of the Republic of Cyprus, directly flying over the area of the monastery of Ayios Andreas.

As stated in my previous letters, such unauthorized intrusions into the Nicosia flight information region and the airspace of the Republic are in violation of international air traffic rules and seriously endanger civil aviation flights over Cyprus. At the same time, they are in contravention of the provisions of the resolutions of the Security Council on Cyprus, which state that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest against the new violations of the sovereignty and territorial integrity of the Republic of Cyprus, which are in complete disregard of international law, the Charter of the United Nations and the relevant decisions of the Organization on the question of Cyprus.

Moreover, it should be pointed out that these Turkish actions, which are highly provocative, took place on the very day that the Security Council adopted resolution 1117 (1997) and at a most sensitive period, just prior to the convening of the direct talks under your auspices.

I should be grateful if you would have the present letter circulated as a document of the fifty-first session of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Ambassador
Permanent Representative of the
Republic of Cyprus to the United Nations

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Letter dated 3 July 1997 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 1 July 1997, addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the fifty-first session of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Tuluy TANÇ
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 1 July 1997 from Mr. Osman Ertuğ addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 23 June 1997 addressed to you by the Greek Cypriot representative at the United Nations which was circulated as document A/51/931-S/1997/489.

I wish to state that the allegations put forward in the said letter constitute a gross distortion of the facts pertaining to the matter of Greek Cypriots living in the Turkish Republic of Northern Cyprus. It is not my intention, therefore, to enter into polemics on this matter, particularly on the eve of the intercommunal talks scheduled to take place in New York from 9 to 13 July 1997. I wish to underline, however, that similar charges have been amply dealt with and refuted in the letter dated 9 April 1997 addressed to you by His Excellency Mr. Taner Etkin, Minister for Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus (E/1997/21, annex, appendix).

It will be recalled that in his letter Minister Etkin stressed that the Turkish Cypriot authorities do not practise any discriminatory policy towards Greek Cypriots living in the Karpas region and that, in fact, unilateral goodwill measures aimed at further improving the living standards of the Greek Cypriots residing in the area have been implemented over the last few years. It is noteworthy that the United States State Department report entitled "Cyprus: Humanitarian Issues" of September 1996 describes the living conditions of the Greek Cypriots living in northern Cyprus in the following terms: "While living standards are lower than that in the south, they are on a par with those of Turkish Cypriots in the area."

Unfortunately, the same cannot be said about the living conditions of the Turkish Cypriots residing in south Cyprus. The above-mentioned United States State Department report states that "the approximately 360 Turkish Cypriots who live in the south face problems in obtaining documents and complain of harassment, surveillance and some discrimination in obtaining jobs". The United States State Department human rights report for Cyprus (1995) contains similar findings. The inhuman social, economic and racial discrimination suffered by Turkish Cypriots in the south has even been reported by the Greek Cypriot press, notably by the Greek Cypriot daily Alithia of 30 December 1996. The paper reveals that the Turkish Cypriot residential areas in the south are "plagued by poverty, suffering and unemployment".

In view of the above and particularly the upcoming talks in New York, the Greek Cypriot side should desist from engaging in this campaign of disinformation and the fabrication of artificial issues, so that an atmosphere conducive to the finding of an overall solution to the Cyprus question can be created.

I should be grateful if the present letter could be circulated as a document of the fifty-first session of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of
Northern Cyprus

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Letter dated 3 July 1997 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 2 July 1997, addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the fifty-first session of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Tuluy TANÇ
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 2 July 1997 from Mr. Osman Ertuğ addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 23 June 1997 addressed to you by the Greek Cypriot representative at the United Nations, which contains allegations regarding "violations of the airspace of the Republic of Cyprus" (A/51/932-S/1997/490).

Similar allegations, which are put forward to uphold the myth that the Greek Cypriot side has sovereignty over the whole of the island, have been amply dealt with and refuted in my previous successive communications addressed to you, most recently in my letter dated 16 June 1997 (A/51/926-S/1996/470, annex). I will, therefore, confine myself to reiterating that flights within the airspace of the Turkish Republic of Northern Cyprus take place within the competence and jurisdiction of the authorities of the Turkish Republic of Northern Cyprus, and the Greek Cypriot side has no say in the matter whatsoever.

It is regrettable that on the eve of the upcoming intercommunal talks, to be held in New York from 9 to 13 July 1997, the Greek Cypriot side persists in its campaign of harmful rhetoric. Evidently, the Greek Cypriot side is far from coming to terms with the concept of power-sharing with the Turkish Cypriot side on the basis of equality, as called for in successive United Nations resolutions. I trust that all concerned will impress upon the Greek Cypriot side that this is the time when common sense and realism, not propaganda, should prevail, so that the upcoming talks will produce the desired results.

I should be grateful if the present letter could be circulated as a document of the fifty-first session of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus